[*Note.*—**An asterisk* at the commencement of a speech indicates revision by the Member.**]

II—CALLING ATTENTION TO AN URGENT MATTER OF PUBLIC IMPORTANCE *RE* CLOSURE OF THE METTUR DAM FOR IRRIGATION AND CONSEQUENT WITHERING OF CROPS.

SRI N. S. RAMALINGAM : கனம் சபாநாயகர் அவர்களே . . . (கனம் ஸ்ரீ ஸி. சுப்பிரமணியம் : இதில் தான் பேசக்கூடாதே) எனக்குப் பேச இரண்டு நிமிஷங்கள் கொடுக்க வேண்டும் என்று கேட்டுக் கொள்ளுகிறேன்.

MR. SPEAKER : அதெப்படி? அது சட்டத்திற்கு விரோதம் ஆயிற்றே. இரண்டு நிமிஷம் கொடுத்தேன், இதற்கு முன் வரை அது 20 நிமிஷங்கள் ஆகிவிட்டன. அதன் பிறகுதான் மோஷனை மாத்திரம் படிக்க வேண்டும் என்று சொன்னோம். அங்கத்தினர் அவர்கள் ரூல் 41 மோஷனைப் படிக்க வேண்டும். அவ்வளவுதான். விதிகளின்படி அவர் பேசமுடியாது.

* SRI N. S. RAMALINGAM : Sir, under Rule 41 of the Assembly Rules I call the attention of the Hon. Minister for Works to an urgent matter of public importance, viz., the decision of the Government to close the Mettur Dam for irrigation from 25th February 1961 and the consequent withering of crops in thousands of acres of lands that were sown as per the advice of the Government after the recent floods.

THE HON. SRI P. KAKKAN : Mr. Speaker, Sir, it is true that discontinuing irrigation supplies from Mettur from 25th February 1961 was under contemplation. But the position regarding the need to continue supplies to the areas affected by the heavy rains during November last, has been carefully considered by the Government and necessary instructions have been given to the Irrigation Branch to continue supply to the needy areas till about 10th March 1961. There is therefore no cause for any alarm.

III.—PRIVILEGE MATTER.

SRI M. KALYANASUNDARAM : Sir, I am extremely sorry that I have to raise a matter of privilege . . . .

MR. SPEAKER : I am sure the hon. Member knows the rules. (The hon. Member, Sri M. Kalyanasundaram rose.)

He should not rise now. I will first read the rules and then the hon. Member can argue with me on the legal position. Rule 184 says—

' A member wishing to raise a matter of privilege shall, before the commencement of the sitting of the day on which he proposes to raise the point, leave with the Speaker a written notice of the matter proposed to be raised.'

The hon. Member has done that.

Then Rule 185 says—

' If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised.'

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I have not given him permission. Unless I give permission the hon. Member cannot raise it.

SRI M. KALYANASUNDARAM : Yes, I know it. But raising a matter of privilege is one thing and arguing and proving how it involves a breach of privilege is another thing. Now the Chair has permitted and stated that it relates to a matter of privilege.

MR. SPEAKER : I have not said that.

SRI M. KALYANASUNDARAM : In the Chamber when I had a talk with the Chair, I was under the impression that the Chair had agreed that it involved a breach of privilege.

MR. SPEAKER : I am sorry, the hon. Member has got that impression. The hon. Member gave in writing what he proposed to consider as breach of privilege. Only when I say that it does involve a breach of privilege, the hon. Member can raise it. I may tell him that I will look into the matter and let him know to-morrow.

SRI M. KALYANASUNDARAM : Now we are having a different application of the rules. If the Chair wants to adopt a different procedure, then it is a different matter.

THE HON. SRI C. SUBRAMANIAM : There are two stages. Firstly, it has to be handed over to the Hon. Speaker and that has been done. Then he has to find out whether it involves breach of privilege. But before deciding whether it involves breach of privilege, it is open to the Hon. Speaker to get the assistance of the House and that stage arises only if he feels doubtful about it. Even that stage has not arisen. Therefore, the Hon. Speaker will have to consider it and if he comes to a conclusion that there is no breach of privilege, it ends there. But if he considers that there is a *prima facie* breach of privilege, then he may allow it to be raised.

MR. SPEAKER : I want to make another clarification. I have not read the privilege matter. I do not know whether I can myself come to a decision or I will also ask the Hon. the Leader of the House to express his opinion and if I have any doubt I will also seek the assistance of leaders of parties to give their opinions. So I may tell the hon. Member that he should wait till to-morrow and in the meantime I will read it and come to a decision. It may be that I will give my ruling in the Chamber itself and not here.

SRI V. S. MANIKKASUNDARAM : Sir, since a matter of privilege has been raised in the House, the House is entitled to know what it relates to . . .

MR. SPEAKER : Nothing has been mentioned. The hon. Member just got up and stated that he was raising a matter of privilege.

SRI M. KALYANASUNDARAM : To-day we are adopting a different procedure. Hitherto disposal of such matters was done on the floor of the House and not in the Chamber. Now the procedure is changed. I have to submit that I am helpless and I am

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in your hands. Even when so many privilege motions were moved earlier the rules were the same and rules have not been changed and there is a change now.

MR. SPEAKER : There is no change. I will read it and let him know to-morrow.

SRI M. KALYANASUNDARAM : Unfortunately I would not be here to-morrow.

MR. SPEAKER : I am sorry.

There is another point. The privilege matter raised must be a matter of recent occurrence. It does not matter and I am not going to rule it out of order on that ground and I give that assurance. Whenever the hon. Member comes, I will take it up.

SRI S. LAZAR : On a point of order, Sir.

I think that some interpretation has been given here but in tune with the procedure that is obtaining in the British Parliament, notice is given to the Chair not to decide whether there is any *prima facie* case or not but to decide whether the motion itself is in order and that has got to be considered in your Chamber. If the motion is found to be in order, then the hon. Member is allowed to raise it if there is a *prima facie* case.

MR. SPEAKER : We will take it up when the hon. Member comes here next time.

SRI M. KALYANASUNDARAM : Regarding the question of procedure it should be left open and we shall discuss it in the Business Advisory Committee or the Rules Committee. In fact, after referring to May's Parliamentary Practice I will be able to show that with regard to the privilege matter, the permission of the Chair is necessary only to decide whether the subject-matter raised involves a breach of privilege or not. The Chair is not authorized to go into details . . .

MR. SPEAKER : It is only in the British Parliament that practice prevails and not in other Parliaments. In the Lok Sabha it is not so. We are following what the Lok Sabha follows. For us the Lok Sabha is the final authority.

SRI M. KALYANASUNDARAM : Rules have remained the same up to now. To-day a change is introduced.

THE HON. SRI C. SUBRAMANIAM : The hon. Member should kindly appreciate the difficulty involved in the matter. Rule 185 says—

'If the Speaker is of opinion that the matter which the member proposes to raise does involve a question of privilege of the House, he may consent to the matter being raised.'

Therefore, there is no question of giving any opinion even in a very cursory manner and so the question does not arise at all. Unless the Hon. Speaker goes through the matter, there is no question of raising it and then discussing it.

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SRI M. KALYANASUNDARAM : I am very sorry that this has developed into a discussion of the procedure on the floor of the House. I am prepared to discuss it further in the Business Advisory Committee or the Rules Committee. Rule 184 says—

'A member wishing to raise a matter of privilege shall, before the commencment of the sitting of the day on which he proposes to raise the point, leave with the Speaker a written notice of the matter proposed to be raised.'

I have left the written notice with the Hon. Speaker and let it be disposed of to-day itself.

THE HON. SRI C. SUBRAMANIAM : I am sorry the hon. Member is taking an unreasonable attitude because he cannot insist that the Hon. Speaker should dispose it on a particular day or at a particular time. Rule 185 does not prescribe a time-limit. Therefore, it is for the Hon. Speaker to decide when it should be taken up. The hon. Member cannot say that here and now the Hon. Speaker should consider and give his opinion about it. Nobody can insist that the Hon. Speaker should do such a thing. As a matter of fact, the Hon. Speaker has not even gone through it and it was given to him while he was starting for the Assembly. Therefore, that question does not arise at all now. If clarification is necessary we will dicuss it in the Business Advisory Committee or the Rules Committee but that is quite a different thing. Therefore, to say that the rules are not followed is not correct.

SRI M. KALYANASUNDARAM : In my opinion Rules 184 and 185 are not contradictory. Ordinarily in the normal course the Chair is expected to give his opinion on the same day. If the Chair wants time to study the matter. . . .

THE HON. SRI C. SUBRAMANIAM : Yes, he wants time.

SRI M. KALAYANASUNDARAM : But if he rules it out of order inside the Chamber, then I will have no remedy.

THE HON. SRI C. SUBRAMANIAM : Supposing if the Hon. Speaker has not come to any conclusion, it is not possible for him to give any ruling as to whether the question raised involved a matter of privilege. Under Rule 185, the Speaker is the ultimate authority and his opinion is binding on the House. For giving his opinion he may seek the assistance of the House. 9-30 a.m.

SRI M. KALYANASUNDARAM : Under the Constitution the rights and privileges of this House are the same as the rights and privileges of the House of Commons. We have been following this practice. Our rules are not conflicting with the procedure adopted in the House of Commons. Rules 184 and 186 are definite. Whether the opinion is expressed in the Chamber or on the floor of the House, my submission is that it should be disposed of on the floor of the house. This is all my submission, Sir.

THE HON. SRI C. SUBRAMANIAM : Unfortunately, the hon. Member Sri M. Kalyanasundaram is confusing between the matter of privilege and the procedure adopted. The Speaker has not gone through the notice handed to him by the hon. Member.

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He has not come to any concusion on the question, i.e., the point raised whether it constitutes a breach of privilege or not. No doubt we have all the rights of Parliament. But it does not mean that we are bound by the procedure adopted by the British Parliament. The constitutional provision is only with reference to substantive right. Whatever procedure is followed in British Parliament it need not be followed here. As far as procedure is concerned we have laid down in our rules. I do not think we can have any further discussion on this.

(Sri M. Kalyanasundaram rose.)

MR. SPEAKER : Let the hon. Member, Sir M. Kalyanasundaram resume his seat. I will give my ruling.

SRI M. KALYANASUNDARAM : The Hon. the Finance Minister has made a distinction between the procedure and the substantive right. I want to meet it. The procedure cannot be used to take away the substantive right. I want to argue. You can even send me out, Sir, if you want.

MR. SPEAKER : The hon. Member will resume his seat.

SRI M. KALYANASUNDARAM : You can send me out, Sir.

MR. SPEAKER : The hon. Member is at perfect liberty to withdraw from the House.

SRI M. KALYANASUNDARAM : Sir, you must allow me to have my say.

MR. SPEAKER : I have allowed the hon. Member several times. He has argued, re-argued, counter-argued, again counter-argued and then where is the end(?). If he thinks that I have not heard him, he is at perfect liberty to withdraw from the House. I have no objection. If he wants, I am prepared to name him.

SRI M. KALYANASUNDARAM : With regard to procedure, I want to say something.

MR. SPEAKER : Not necessary. I am the final authority so far as this is concerned.

I will read from the May's Parliamentary Practice regarding permission to raise privilege matters :

". . . .the Speaker requires to be satisfied, both that there is a *prima facie* case that a breach of privilege has been committed; and also that the matter is being raised at the earliest opportunity. If he is not so satisfied when the circumstances are first brought to his attention privately, he may inform the Member that he is not entitled to raise the matter as a question of privilege or he may allow him to make statement with a view to ascertaining whether or not a *prima facie* case can be made out."

All these things arise after I read the motion. I have not read the motion. I am not going to allow any further discussion on the matter.

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SRI M. KALYANASUNDARAM : Sir, this may be taken up on the 16th instant when I will be here.

SRI T. SAMPATH : The hon. Member, Sir M. Kalyanasundaram has not read out the motion.

MR. SPEAKER : Because I did not allow him.

IV.—PRESENTATION OF THE REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION.

SRI T. SAMPATH : Sir, I present the Eleventh Report of the Committee on Subordinate Legislation. This is the Third Report of the Committee for the year 1960-61. This report deals with the action taken by the various Departments of the Government on the recommendations of the Committee contained in the 8th Report. I have to state with satisfaction that most of the recommendations of the Committee have been duly accepted by the Government. On behalf of the Committee, I thank the Government for the same.

V.—BUDGET FOR THE YEAR 1961-62—VOTING ON DEMANDS FOR GRANTS FOR THE YEAR 1961-62.

(1) DEMAND III—FOREST DEPARTMENT.

(2) DEMAND XVIII—AGRICULTURE.

(3) DEMAND XX—ANIMAL HUSBANDRY.

(4) DEMAND XXXVII—CAPITAL OUTLAY ON FORESTS.

(5) DEMAND XL—CAPITAL OUTLAY ON AGRICULTURE.

THE HON. SRI M. BHAKTAVATSALAM : Sir, on the recommendation of the Governor, I move—

'That the Government be granted a sum not exceeding Rs. 80,15,600 under Demand III—Forest Department.'

'That the Government be granted a sum not exceeding Rs. 4,35,25,900 under Demand XVIII—Agriculture.'

'That the Government be granted a sum not exceeding Rs. 1,36,15,900 under Demand XX—Animal Husbandry.'

'That the Government be granted a sum not exceeding Rs. 40,17,300 under Demand XXXVII—Capital Outlay on Forest.'

'That the Government be granted a sum not exceeding Rs. 20,60,100 under Demand XL—Capital Outlay on Agriculture.'

Regarding the Demand XIX—Fisheries, the Hon. Minister-in-charge will move. After that I will speak.

(6) DEMAND XIX—FISHERIES.

THE HON. SRIMATHI LOURDHAMMAL SIMON : Sir, on the recommendation of the Governor, I move :

'That the Government be granted a sum not exceeding Rs. 41,94,500 under Demand XIX—Fisheries.'